

**REMARKS**

The rejection of claims 1 – 62 is respectfully traversed in view of the amendments to the claims and for the reasons set forth herein.

**Claim Rejections under 35 USC §112, first paragraph**

While it is Applicant's position that the claims fully comply with the enablement requirements of 35 USC §112, first paragraph, in the interest of advancing prosecution the claims have been amended to clarify the claimed alternative processing. Among the other steps recited, this processing may include (i) leaving a message for the subscriber as described at page 14, lines 13 – 17 or (ii) providing access to the subscribers own voice mail as described at lines 18 – 21.

In addressing the rejection, it should be noted that the claims do not require different methods or means for performing the steps corresponding to elements (i)(c) and (i)(d) as appears to be asserted by the Examiner. For example, claim 1, rejected on this basis, recited:

*(c) receiving a message for said subscriber, and (d) forwarding a voice mail to said subscriber...*

Certainly receiving a message for a subscriber describes an action that one skilled in the art would understand is different in scope from forwarding a voice mail to a subscriber. While the two steps may overlap, there is no requirement that they somehow be performed differently as asserted by the Examiner. Further, receiving a voice message does not necessarily require that it be forwarded, nor does forwarding a voice mail require receipt of a message.

While the rejections of the enumerated claims under 35 USC §112, first paragraph, is believed improper, the claims are amended to avoid reciting two steps involved in processing an incoming voice message by either deleting one of the two elements (c) or (d) from the claims or, as in the case of claim 1, substituting an alternative step of "forwarding [a] subscriber to access their voice mail system". As mentioned above, this step can be found in the specification at page 14, lines 18 – 21:

*If the called party has spoken the phrase "voice mail" during the silent prompt period indicating that they would like to access their own voice mail, then the calling party's voice mail access number is substituted, the message "voice mail" is played and processing continues as before.*

Accordingly, withdrawal of the outstanding rejection under 35 USC §112, first paragraph, is respectfully solicited.

Claim Rejections under 35 USC §112, second paragraph

While the rejections under 35 USC §112, second paragraph, are likewise considered to be improper, in the same effort to advance prosecution, Applicant has reviewed the claims and endeavored to revise the language to address the issues raised by the Examiner. However, as Applicant was unable to identify language found objectionable by the Examiner in connection with certain claims, clarification is requested.

Specifically, in connection with claim 4, the Examiner finds the recitation of "said voice message" to be ambiguous, asserting that claim 1 (prior to the present amendment) recited two "voice messages" and a "content equivalent message":

- Claim 1. A method of providing voice responses to commands comprising the steps of:
- receiving a first command;
  - associating said first command with a subscriber to be called;
  - selecting a first processing option in response to said first command;
  - providing a voice message indicative of said first processing option selected including identification of said subscriber;
  - providing a silent delay period of a predetermined duration immediately subsequent to a completion of said step of providing a voice message; and selectively
  - (i) initiating alternate processing in response to a receipt of a second command input during said silent delay period, said alternate processing selected from the set of actions consisting of (a) providing listing information for said subscriber, (b) providing an alternate telephone number for said subscriber, (c) receiving a message for said subscriber, and (d) forwarding a voice mail to said subscriber, and
  - (ii) initiating said first processing option in response to an absence of said second command input for a duration of said silent delay period to thereby initiate a call to said subscriber.

(emphasis supplied).

As shown above, claim 1 recites only one “voice message”, the second occurrence of that phrase referring to “said *step* of providing a voice message”. The reference of claim 4 to selecting a message, and then playing that selected message “to provide said voice message” necessarily refers back to the only recited voice message, that appearing at line 4 of claim 1. However, to avoid any possible confusion, claim 1 is amended to adopt alternative terminology that further differentiates between the various types and formats of messages recited therein.

The rejections of claims 9, 20, 31, 35, 39, 50 and 57 are believed to have been made in error, the “voice message” language objected to by the Examiner failing to be present therein. However, to advance prosecution, all claims have been reviewed and, to the extent that the cited or similar language was found to be present, amended to resolve the issue.

Finally, in connection with claim 36, and in an effort to advance prosecution, the language to that is found objectionable by the Examiner has been deleted.

#### Claim Rejections under 35 USC §102

The Examiner holds all claim anticipated by Pirz et al., U.S. Patent No. 4,348,550. The rejections are respectfully traversed for the following reasons.

#### Claims 1 and 32

As previously emphasized, Applicant’s claimed alternative processing is more than halting of processing or even repeating processing just performed in response to an error condition. Instead, the claimed alternative processing is directed to implementing some alternative to standard or default processing, e.g., dialing the number of the called party. To advance prosecution and allowance of claims directed to certain embodiments of Applicant’s invention, by the prior amendment the claim had been revised to include recitations of specific alternative actions, such as providing and/or announcing directory information of the subscriber (e.g., speaking rather than dialing the telephone number), providing an alternate telephone number, or allowing the caller to leave a voice message for the subscriber.

Specifically, amended claim 1 requires alternate processing including “ (a) providing spoken listing information for said subscriber, (b) providing a spoken alternate telephone number for said subscriber, (c) receiving and recording an incoming voice message for said subscriber, and (d) forwarding said subscriber to access their voice mail system”. In connection with the listing information, the Examiner cites to Pirz at col. 21, lines 11 – 19

*After templates for command words, digits and names have been produced and stored in template memory 120 in train and directory modes, the circuit of FIG. 1 may be activated by user utterances to provide repertory and automatic dialing. As aforementioned, the dialer of FIG. 1 is normally in its rest mode prepared to recognize an input utterance as one of the command words "off-hook," "directory," and "train." In order to dial the telephone of a person in the repertoire of the...*

and col. 22, lines 41 – 56:

*In the call state, a directory address code corresponding to the recognized name identification signal WC (waveform 1319) between  $t_{19}$  and  $t_{20}$  is produced in processor 210. An RL=L signal and an AE signal are generated in processor 210 at time  $t_{20}$ . The directory store address (DA) and directory read (DRW) signals are applied to directory store 170 via directory control module 221 so that the directory number for "Smith" is retrieved from the directory store. The retrieved directory code is placed in directory control module 221 and responsive to the directory store done signal processor 210 transfers the directory code to dial pulse former 160 from dialer control module 223. Pulse former 160 is operative to generate the dialing signals corresponding to the name "Smith" and to provide the dialing signals to the telephone set 195.*

The cited sections are completely devoid of any mention of providing listing information for the subscriber, at most mentioning retrieval of the directory number, much less providing **spoken** listing information as required by claim 1 as amended.

Addressing element (b), providing an alternate telephone number for the subscriber, the Examiner cites col. 18, lines 65 – 68:

*The user may alter the telephone number information for a name entry in the directory repertoire in the directory mode. The modification state of the directory mode is entered upon recognition of the command [word "modify" in the directory mode initial phase.]*

Thus, rather than providing an alternate telephone number, Pirz teaches reprogramming a stored telephone number so that it becomes the primary telephone number. In effect, Pirz teaches away from providing an alternate number, instead instructing the user that he or she can change the single stored telephone number by reprogramming the system.

The subject matter of element (c) (and/or (d) prior to amendment) is likewise absent from the applied prior art. Specifically, the Examiner has taken the position that “receiving a message for said subscriber” can be found at col 22, lines 53 – 62:

*Pulse former 160 is operative to generate the dialing signals corresponding to the name "Smith" and to provide the dialing signals to the telephone set 195.*

*The circuit of FIG. 1 is then conditioned to recognize the command word "hang up" responsive to the CM=CALL command word applied to command control memory 320. Utterances are continually analyzed during the call state as indicated in FIG. 13 between times  $t_{20}$  and  $t_{26}$ .*

According to the Examiner, “talking to the subscriber reads on receiving a message for subscriber”. Applicant disagrees. Receiving a message *for* a subscriber, e.g., taking a message, is NOT the same “talking *to* the subscriber”. This distinction is further emphasized by the amended language of claim 1 requiring both receiving *and* recording an incoming voice message for the subscriber.

Finally, addressing step (d), Pirz further fails to teach or suggest “forwarding the subscriber to access their voice mail system”.

For the reasons presented, claim 1 is neither anticipated nor rendered obvious by Pirz. Similar and additional elements distinguish claim 32 over Pirz, the claim requiring announcing a telephone and/or alternative telephone number of the subscriber. While Pirz includes announcing the name of a called party and provides for interruption of the dialing process, the disclosure is silent in connection with initiating alternate processing including, but not limited to, providing for an announcement of the telephone number and/or alternative telephone number at the command of the subscriber.

Similar arguments for patentability equally apply to the other independent claims 6, 29, 32, 36, 52, 55, and 58 – 60.

Dependent claims 2 – 5, 7 – 28, 30, 31, 33 – 35, 37 – 51, 53, 54, 56, 57, 61 and 62 each describe additional subject matter not found in the applied prior art in the claimed combination and are believed to be patentable thereover. For example, claims 4, 9, 31, 39, and 57 recite pseudorandomly selecting one of a group of content equivalent messages and then playing that message to provide a voice message. See the specification at page 7, lines 20 – 21, page 8, line 29 – page 9, line 7, and page 10, lines 3 – 14. In rejecting these claim, the Examiner apparently cites to Pirz at col. 19, line 65 – col. 20, line 24:

*After the similarity signal for the TN=TMAX address is stored in recognition processor 503, comparator 515 sets flip-flop 510. Processor 503 is thereby enabled to produce the WC identification signal and template counter 507 is inhibited. The WC and WRD signals from processor 503 are then applied to control processor 210 via transfer control module 233. Processor 210 detects the WC identification signal. Where the WC identification signal corresponds to "stop," the circuit of FIG. 1 is reset to its rest state. Detection of a WC=0 signal, representative of the lack of similarity between the utterance and any name, causes processor 210 to signal voice response unit 180 to utter the phrase "Repeat the name" and the name state is reentered.*

*The detection of a name in the directory repertoire causes processor 210 to generate an utterance number signal corresponding to the spoken message "Please verify." Voice response unit circuit 180 provides the speech signal corresponding thereto and returns a VRD voice response done signal to processor 210. The processor then provides an utterance number signal for to the name recognized. Upon completion of the utterance "Jones" by speaker 190, processor 210 is switched to its verify state during which the user may utter "error," "stop" or other than these utterances. Detection of other than these utterances (indicated by a WC=0 signal), causes processor 210 to signal voice response circuit 180 to utter the phrase "Please enter new phone number.]"*

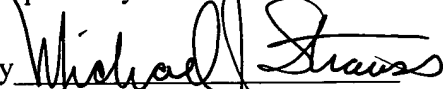
There simply is no description in either the cited portion or elsewhere in Pirz of pseudorandomly selecting one from a plurality of content equivalent phrases to be played. As described in Applicant's specification, using different phrases to express similar information to a user mimics human behavior and is less "machine-like". Pirz is silent on this subject.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to enter the present amendment, withdraw all outstanding rejections, and pass this application to issue. As the amendments to the claims address formal issues and emphasize features previously recited by the claims, entry of the present amendment in accordance with 37 CFR §1.116 is respectfully requested.

Applicants believe no fee is due with this response. However, if any other extension of time under 37 C.F.R. §1.136 is required the petition is hereby made. Further, if any other or additional fee is due, please charge our Deposit Account No. 06-2375, under Order No. 432.010 from which the undersigned is authorized to draw and please credit any excess fees to such deposit account.

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Respectfully submitted,

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